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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,004	02/07/2002	Sudhanshu Jain	MAPL-00203	2005

7590 11/15/2005
Derek J. Westberg
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EXAMINER

PHAN, MAN U

ART UNIT PAPER NUMBER

2665

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/072,004	Applicant(s) JAIN, SUDHANSHU	
	Examiner Man Phan	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 9-24 and 29-48 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 5-8 and 25-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/19/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to the application of Sudhanshu for "System and method for providing multiple levels of fault protection in a data communication network" filed 02/07/2002. This application Claims Priority from Provisional Application 60268346 filed 02/12/2001. Claims 1-48 are pending in the application.

Specification

2. The disclosure is objected to because of the following informalities:

The status of the related application USSN# noted on page 1, lines 6-11 need to be updated.

In the section "Cross reference to related applications, the specification indicates incorporation by reference of two concurrently filed application identified only title (page 1, lines 6-11). These references are incomplete because the application numbers and filing dates are not provided. If a reference has matured into a patent it is additionally required that this fact be incorporated into the present specification in order to reflect accurate information and readily allow identification of related documentation.

Drawings

3. The Examiner contends that the drawings submitted on 02/07/2002 are acceptable for examination proceedings.

Claim Objections

4. Applicant is advised that should claims 5-8 be found allowable, claims 25-28 will be objected to under 37 CFR 1.75 as being a substantial duplicated thereof. Appropriate correction is required.

Allowable Subject Matter

5. Claims 1-48 would be allowable if rewritten to overcome the objections set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: The instant application is deemed to be directed to a nonobvious improvement over the prior art. The improvement comprises storing in the network fault protection criteria for each of a plurality resources in the network, including a type of fault protection available to the resource; determining desired fault protection criteria for a communication path between a node of the network that is a source for data and a node of the network that is a destination for the data; selecting a candidate resource of the network for the communication paths; and determining from the fault protection criteria for the candidate resource whether the candidate resource provides at least the desired level of fault protection and when the candidate resource provides at least the desired level of fault protection, selecting the candidate resource for the communication path, as specifically recited in the claim. The instant invention, in combination with the other claimed features, improves upon the Prior Art by providing a method and system for management of fault recovery techniques in a label switching data communication network.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. This application is in condition for allowance except for the following formal matters as indicated in paragraphs 2-5 above.

Prosecution on the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Lindhorst-Ko (US#6,725,401) is cited to show the optimized fault notification in an overlay mesh network via network knowledge correlation.

The Porter et al. (US#6,636,597) is cited to show the method and system for providing services in a communication network.

The Shew et al. (US#6,530,032) is cited to show the network fault recovery method and apparatus.

The Ohba et al. (US#2002/0176370) is cited to show the scheme for label switched path loop detection on node device.

The Allen (US#2001/0032271) is cited to show the method, device and software for ensuring path diversity across a communications network.

The Xu et al. (US#2002/0071149) is cited to show the apparatus and method for protection of an ATM passive optical network interface.

The Lazeri (US#2002/0019955) is cited to show the method for protecting a digital communication system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached on Mon - Fri from 6:00 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

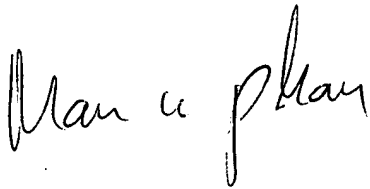
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about

the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

Mphan

11/08/2005.

A handwritten signature in cursive script that reads "Man u phan".

**MAN U. PHAN
PRIMARY EXAMINER**